

BUREAU OF INTELLIGENCE
AND RESEARCHOffice of Intelligence Research
and Analysis

Intelligence Information Brief

No. 79

February 6, 1959

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LAOS-NORTH VIETNAM BORDER DISPUTE

Charges of territorial violation recently exchanged by the Royal Lao Government (RLG) and the Communist "Democratic Republic of Vietnam" (DRV) and the incursion by DRV military units into Lao territory have created a troublesome and potentially dangerous situation. While DRV actions over the past three months have to some extent assisted Prime Minister Phoui and his supporters in their efforts to strengthen the Lao Government, there remains a danger that the DRV-inspired crisis might eventually lead to the reactivation of the International Control Commission (ICC) in Laos and hamper further efforts to bolster anti-Communist strength there.

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Review of Events

The present crisis began on October 13 when DRV Premier Pham Van Dong in a letter to Lao Premier Phoui Sananikone accused the Lao of massing troops along the frontier and of violating DRV airspace with military aircraft. This was followed by similar letters, each alleging additional violations. The RLG denied the charges and pointed out that the relative strength of the two countries made Lao aggressive action unthinkable. Phoui accused the DRV of fabricating charges to mask its own provocative activity.

In mid-November 1958, patrols of the DRV army (the People's Army of Vietnam or PAVN) were reported operating across the frontier in the vicinity of the Lao town of Tchepone. By December 14, the PAVN had established three platoon-manned outposts along the east bank of the Nam Se River, five kilometers on the Lao side of the generally accepted border. The Lao Government responded by moving troops in company strength to the west bank of the

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river opposite the PAVN positions. The PAVN commander, however, refused to withdraw, but presented a letter to the Lao military commander for transmittal to the RLG outlining the DRV's claim to the area east of the Nam Se river.

Base for Rival Claims in the Border Area

The exact location of the Lao-DRV border in the disputed area has never been authoritatively determined. In the early part of the century, French surveyors set out to chart the border on the basis of the water-shed of the Annamite mountain chain. They discovered, however, that this would include in Laos some ethnically Vietnamese areas. As a temporary measure the surveyors established several control points and connected them with straight lines. Although never the subject of a decree, this line became generally accepted as the border. In 1937 French authorities learned that Vietnamese had settled well west of the line and that Vietnamese officials were collecting taxes from them. A new line was drawn making the Nam Se River the border, but the advent of World War II prevented its official establishment. The DRV is nevertheless insisting upon the Nam Se line, basing its claim on the fact that Vietnamese governments have historically administered the disputed territory while Laos has not. On the other hand, the RLG claims that the general acceptance of the pre-1937 line over a long period of time makes it valid and has pointed out that the DRV raised no objection to maps using this line at the Geneva Conference in 1954.

In the summer of 1956, a mixed Lao-DRV border commission studied the area in question but reached no agreement.

DRV Motives

The motives of the DRV in precipitating the crisis appear to have been two-fold: to discourage a rightist coup, and to provide grounds to reactivate the ICC in Laos. At the time the first DRV letter was delivered, it was well known that a coup was being planned in Laos by a young rightist reform group known as the Committee for the Defense of the National Interest (CDNI) in conjunction with the army. Undoubtedly the DRV was concerned lest such a coup be followed by strong anti-Communist actions, including possibly the outlawing of the Communist front Neo Lao Hak Zat (NLHZ) party, the successor organization to the Pathet Lao.

The ICC in Laos, which is composed of an equal number of Canadians, Indians, and Poles, was established under the Geneva Agreements of 1954 to ensure that the armistice provisions of the agreements were carried out. In July 1958 the ICC adjourned sine die at the request of the RLG on the ground that the Agreements with respect to Laos had been executed as the

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result of the agreement between the RLG and the Pathet Lao for the reunification of the country. The DRV opposed the adjournment of the Laos ICC and has demanded its reactivation on the ground that "interventionist activities of the U.S. imperialists" had continued to prevent the situation in Laos from returning to normal.

The Lao Government's opposition to the return of the ICC stems from several factors. Should it be reactivated, the Polish representative could be expected to give all possible support to the NLHZ, which serves as a center of anti-government and pro-Communist activity in Laos, while the legalistic approach of the Indian representative might serve as a barrier to effective RLG action against the NLHZ. In addition, the Lao Government is probably concerned lest the presence of the ICC hinder the introduction of American military assistance needed to improve the capability of the Royal Lao Army, which stands as the main anti-Communist and stabilizing force in Laos today.

Consequences of the Incursion

So far, the consequences of the DRV incursion have been contrary to Communist anticipation. Reformist, anti-Communist elements backed Prime Minister Phoui's attempt to secure a grant of special power from the National Assembly which would permit him to form a new government and to rule for one year without reference to the Assembly. In seeking Assembly approval for his plan, Phoui cited the DRV incursion and NLHZ subversion as conditions which required drastic action. In an apparent effort to dramatize the situation while the Assembly was considering Phoui's request, the RLG representative to the UN delivered a letter to the Secretary General outlining Lao charges against the DRV, and copies were circulated among UN members. The reaction of non-Communist Lao against the DRV activities gained for Phoui the support of a substantial majority in the Assembly. With the prorogation of the Assembly, the NLHZ has been deprived of the obstructionist potential provided by its large parliamentary delegation, and now has no voice in policy formulation. This circumstance has relieved much of the immediate pressure for a military coup.

Although the crisis was used by Phoui to strengthen his hand in the reorganization of the government, the situation remains disquieting and potentially alarming. It continues to provide the Communists a ready pretext to demand a reactivation of the Laos ICC, and increases the likelihood of Indian support for these demands. Moreover, the presence of DRV troops on what has generally been accepted as Lao soil serves as psychological support for the NLHZ and increases pressure on the government to refrain from stringent

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measures to disband or control it. Their presence serves as a continuing reminder to the Lao of the possibility of renewed intervention in their affairs from North Vietnam should their new government attempt to move too close to the West.

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